

**MINUTES OF THE UNITED STATES DISTRICT COURT  
DISTRICT OF ALASKA**

*Paul G. Shearer v. United States of America*  
Case No. 3:03-cv-00263-JKS

By: THE HONORABLE JAMES K. SINGLETON  
PROCEEDINGS: ORDER FROM CHAMBERS

This Court granted the United States an extension of time to answer certain discovery requests. Docket Nos. 79 (Motion); 80 (Order). Shearer seeks reconsideration. Docket No. 82.

The motion is governed by Fed. R. Civ. P. 6, which provides in relevant part:

When by these rules or by a notice given thereunder or by order of court an act is required or allowed to be done at or within a specified time, the court for cause shown may at any time in its discretion (1) with or without motion or notice order the period enlarged if request therefor is made before the expiration of the period originally prescribed or as extended by a previous order, or (2) upon motion made after the expiration of the specified period permit the act to be done where the failure to act was the result of excusable neglect; but it may not extend the time for taking any action under Rules 50(b) and (c)(2), 52(b), (d) and (e), and 60(b), except to the extent and under the conditions stated in them.

The Rule distinguishes between requests for enlargement that are made before the original period expires, and requests that come after expiration of the original period. In the former case, the Court need not wait for opposition but may rule immediately; in the latter case, a motion must be filed, a showing of excusable neglect made, and opportunity for opposition allowed. Here, the request for enlargement was made on the last day permitted for a response. Since it was made before the time expired, the rule permits the Court to dispense with opposition. And, given that a trial date has not been set in this case, the Court, in the exercise of its discretion, elected to dispense with opposition.

The Court has considered the opposition filed at Docket No. 81 as support for the motion for reconsideration, but concludes that the concerns voiced by Shearer would not have lead the Court to deny a thirty day extension for making discovery where the request for the extension was made to the Court before the original time set for discovery elapsed.

**IT IS THEREFORE ORDERED:**

The motion for reconsideration at **Docket No. 82** is **DENIED**.

Entered at the direction of the Honorable James K. Singleton, United States District Judge.  
DATE: June 5, 2006